



MICHIGAN ASSISTED LIVING ASSOCIATION

Administrative Offices
15441 Middlebelt Road
Livonia, MI 48154
(734) 525-0831
Fax: (734) 525-2453
1-800-482-0118

Mailing Address
P.O. Box 510295
Livonia, MI 48151

www.miassistedliving.org

A Non-Profit Corporation

ROBERT L. STEIN
General Counsel

KATHLEEN M. MURPHY
General Counsel

KENNETH R. HALE
General Counsel

ANITA P. BINGHAM
Membership Benefits
Coordinator

RONALD R. GAFFNEY
Administrative
Manager

September 28, 2005

The Honorable Barb Vander Veen, Chair
House Senior Health, Security & Retirement Committee
House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Vander Veen:

We appreciate the opportunity to participate in today's hearing and to express our support of the legislative intent of House Bill 5183.

MALA is a non-profit trade association representing licensed homes for the aged and other assisted living providers statewide. For years we have encouraged our members to include comprehensive substance screening policies as an important part of their personnel policies. It is our sense that many providers have such policies in place and exercise them prudently to protect the vulnerable adults for whom they provide services.

In reviewing House Bill (H-1) 5183, we identified concerns with the definition of "substance abuse." We thought it might limit an employer's ability to test employees when the employer reasonably suspects the consumption of alcohol or use of drugs by persons who do not meet this definition. In our experience, employers need a broader threshold to test employees. In fact, many employers enforce a "zero tolerance" policy. Specifically, an employer may reserve the right to require an employee to submit to a substance screen test if they have reasonable suspicion that the worker reported to work after consuming alcohol or using drugs. In this instance the worker may not have a suspected "substance abuse" problem as defined in this statute, but did use poor judgment in reporting to work after consuming alcohol or using drugs. It is our understanding that House Bill 5183 (H-2) will adequately address our concerns.

Again, thank you for the opportunity to share our concerns and our support for this bill.

Please contact us if you have any questions.

Sincerely,

KATHLEEN M. MURPHY
General Counsel



cc: Rep. Kevin Green, Vice-Chair
Rep. Paula Zelenko, Vice-Chair
Rep. William Van Regenmorter
Rep. John Stahl
Rep. John Proos IV

Rep. Brenda Clack
Rep. Aldo Vagnozzi
Rep. Gino Polidori
James Cavanagh, Kelley Cawthorne
Robert Stein, MALA